

WASHINGTON -- With disgraced ex-California Rep. Randy "Duke" Cunningham eligible to collect a congressional pension from behind bars, the Senate on Friday voted to deny taxpayer-funded retirement benefits to lawmakers convicted in the future of serious ethics offenses.

The action came as the Senate moved toward overhauling its ethics rules, including stricter guidelines to end the secrecy around earmarking, a controversial practice that contributed to congressional scandals involving Cunningham and lobbyist Jack Abramoff.

Critics have denounced the practice, in which lawmakers secretly slip pet projects into spending bills, often without public notice and at the request of lobbyists who contribute to their campaigns. And they had accused the Senate's new Democratic leadership of writing a loophole-riddled bill that would have failed to publicly identify the sponsors of most earmarks.

But on Friday, Sen. Jim DeMint (R-S.C.), a leading critic of earmarking, said he and Senate Majority Leader Harry Reid (D-Nev.) reached an agreement "so that every earmark is disclosed."

The deal came as the Senate voted 87 to 0 to expand the list of crimes under which a former lawmaker could be denied a pension to include bribery, conspiracy and perjury. Federal employees in all branches of government forfeit their pensions if convicted of "crimes against the ," such as treason.

"The best way to restore and rebuild the trust of the American people is to ensure that we stand firmly against members of Congress who betray the public trust," said Sen. John F. Kerry (D-Mass.), the measure's sponsor.

The legislation would not apply retroactively; Kerry said such a law would be unconstitutional.

Cunningham, a Republican from Rancho Santa Fe, is serving an eight-year prison term after pleading guilty to taking \$2.4 million in bribes from defense contractors who sought earmarks and to evading more than \$1 million in taxes.

He is eligible for an estimated \$64,000 annual pension with his military service, including \$36,000 a year from his eight terms in Congress.

An attorney for Cunningham declined to comment.

The measure has strong bipartisan support in the House.

"The fact that the Senate passed it puts a lot of pressure on the House to do the same," said Rep. Lee Terry (R-Neb.), sponsor of a similar measure in the House.

At least 20 former lawmakers convicted of crimes are eligible for taxpayer-funded pensions, some as high as \$125,000 a year, according to the National Taxpayers Union, which supports denying pensions to lawmakers turned felons.

Former Rep. James A. Traficant Jr. (D-Ohio), serving eight years after his 2002 conviction for bribery, racketeering and tax evasion, could be pulling in \$40,000 a year, the group estimated. The figures are estimates because federal officials decline to disclose pension records for retired members of Congress.

Former House Ways and Means Committee Chairman Dan Rostenkowski (D-Ill.), who served time for mail fraud and was later pardoned by President Clinton, might be collecting more than \$125,000 a year, the group said.

Pete Sepp of the National Taxpayers Union said that some former lawmakers convicted of crimes had even used their pensions to help pay their fines.

The Senate is expected to complete work on its ethics bill next week.

